

1 ROB BONTA  
Attorney General of California  
2 SHARON A. GARSKE  
Supervising Deputy Attorney General  
3 SEAN LODHOLZ  
OLENA LIKHACHOVA  
4 D. MARK JACKSON  
TRACE O. MAIORINO  
5 Deputy Attorney General  
State Bar No. 179749  
6 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
7 Telephone: (415) 510-3594  
Fax: (415) 703-5843  
8 E-mail: Trace.Maiorino@doj.ca.gov  
*Attorneys for Defendants Newsom and CDCR*

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

14 **JOHN ARMSTRONG, et al.,**

15 Plaintiffs,

16 v.

18 **GAVIN NEWSOM, et al.,**

19 Defendants.

C 94-2307 CW

**SUPPLEMENTAL DECLARATION OF  
ASSISTANT DEPUTY DIRECTOR M.  
HOUSTON IN SUPPORT OF  
DEFENDANTS' REPLY TO  
PLAINTIFFS' RESPONSE TO COURT  
EXPERT'S SECOND REPORT  
REGARDING TREATMENT OF  
PEOPLE WITH DISABILITIES AT  
SUBSTANCE ABUSE TREATMENT  
FACILITY [ECF NOS. 3500, 3510]**

23 I, Mona Houston, declare:

24 1. I have been employed by the California Department of Corrections and Rehabilitation  
25 (CDCR) since 1991. I currently serve as the Assistant Deputy Director of the Program  
26 Operations in the Division of Adult Institutions. I have reviewed the *Armstrong* Court Expert's  
27 Second Report Regarding Treatment of People with Disabilities at Substance Abuse Treatment  
28

1 Facility (SATF) (ECF No. 3500), filed with the Court on August 24, 2023, as well as prior  
2 submissions related to the Court Expert's first report on SATF (ECF No. 3446). I have also  
3 reviewed Plaintiffs' Response and supporting declarations to the Court Expert's second report on  
4 SATF (ECF Nos. 3510, 3510-1, 3510-2, and 3510-3). I submit this declaration in support of  
5 Defendants' Reply to Plaintiffs' Response to the Court Expert's Second Report Regarding  
6 Treatment of People with Disabilities at SATF. I am competent to testify to the matters set forth  
7 in this declaration and, if called upon by this Court, would do so.

8 2. During my over 30 years with CDCR, I have served in a variety of positions that  
9 include Account Clerk II, Business Manager, Correctional Administrator, Chief Deputy Warden  
10 at California Rehabilitation Center, and Warden at both California Institution for Men and  
11 California Institution for Women. Since March 2022, I have been the Assistant Deputy Director,  
12 Program Operations—Division of Adult Institutions.

13 3. As the Assistant Deputy Director of Program Operations, I am responsible for  
14 statewide compliance with the court orders in *Coleman v. Newsom*, *Armstrong v. Newsom*, and  
15 *Clark v. State of California*, which includes formulating and providing interpretations of  
16 operational policy and procedures concerning ongoing litigation, and ensuring that current  
17 policies and procedures are being followed by both headquarters and field programs. I also  
18 provide administrative oversight for the Department's court compliance efforts, and I am  
19 responsible for the development and management of tracking and support systems to facilitate  
20 ongoing compliance. Additionally, I am responsible for reviewing and recommending policies  
21 and procedures related to specialized populations (Developmental Disability Program, Disability  
22 Placement Program, and Mental Health Services Delivery System) within CDCR. My duties also  
23 include planning, organizing, directing, and coordinating program activities such as developing  
24 statewide training, specialized training, symposiums, and internal compliance reviews through  
25 subordinate managers; program and policy formulation, implementation, and management; and  
26 coordinating unit activities with other departmental institutional programs to ensure operational  
27 effectiveness, and resolve operational problems. I am also a liaison to the CDCR's Office of  
28

1 Legal Affairs and work with CDCR's Wardens, Associate Directors, Deputy Directors, Directors,  
2 and the heads of other agencies who may be stakeholders in the litigation process.

3 **Non-Medical Devices**

4 4. As of September 11, 2023, the Division of Adult Institutions, has submitted a change  
5 request to the Strategic Offenders Management System (SOMS) to create a system for tracking  
6 devices and supplies approved via the Reasonable Accommodation Panel (RAP), but not  
7 prescribed by medical providers. This change will occur within approximately one year due to  
8 several priority change requests submitted to the SOMS team. In the interim, medical providers  
9 will continue to input durable medical equipment (DME) receipts for these items to be captured  
10 within SOMS. In addition, the RAP chairperson will continue to document these approvals via a  
11 CDCR 128-B form.

12 5. In response to the Court Expert's recommendation that the SATF local operating  
13 procedure (SATF LOP 403 (VI)(C)(4)b(4)-(5)) explain who will purchase or pay for the non-  
14 medical devices that are deemed a reasonable accommodation under the ADA (ECF No. 3500 at  
15 19) and to address Plaintiffs' complaints about forcing class members to purchase some  
16 accommodations (ECF No. 3510 at 19-23), CDCR has determined that, effective immediately  
17 statewide, when the RAP approves a reasonable accommodation to ensure class-member access  
18 to programs, services, and activities in compliance with the ADA and the remedial plan, CDCR  
19 will incur the cost associated with the reasonable accommodation when no reasonable alternative  
20 exists, unless such an accommodation creates an undue burden under the ADA. CDCR will  
21 revise the applicable local operating procedures to comport with the foregoing policy. Moreover,  
22 well-established and complete systems are in place to redress any inappropriate denial of any  
23 such accommodation, including the inmate grievance process, individual advocacy program, the  
24 accountability order, and monitoring tours.

25 **Accommodations for Blind Class Members**

26 6. In their response to the Court Expert's Second SATF Report, Plaintiffs requested  
27 the Court to enter an order directing Defendants, "in consultation with Plaintiffs and the Court  
28 Expert, to develop a concrete plan by a date certain to comply with their obligations under the

1 ADA, ARP, and this Court's prior orders to ensure blind and low-vision class members at SATF  
2 have equal opportunity to read and write." (ECF No. 3510 at 10.)

3 7. As Plaintiffs are aware, Defendants have been diligently working to improve  
4 access to electronic assistive devices to accommodate class members' reading needs outside of  
5 the prison libraries, including placement of such devices in the class-members' housing units. To  
6 ensure that electronic assistive devices that will be made available to class members within their  
7 housing units meet class members' various needs, including variable magnification, audio via  
8 text-to-speech capability, spot-reading, and reading multi-page documents, Defendants are  
9 working with vision consultants from the Western University of Health Sciences' Eye Care  
10 Institute to identify appropriate devices and determine the optimal number and location of various  
11 devices needed to accommodate class members' needs for independent and private reading and  
12 writing.

13 8. The Eye Care Institute vision consultant team includes Dr. Sukhija, Assistant  
14 Professor at the Western University of Health Sciences, College of Optometry, who has over nine  
15 years of experience in Optometry and over three years as the Chief of Vision Rehabilitation at the  
16 Low Vision Rehabilitation clinic. A true and correct copy of Dr. Sukhija's Curriculum Vitae is  
17 attached to this declaration as Exhibit A. The Eye Care Institute vision consultant team also  
18 includes a team member, Tom Olzak, who is legally blind and serves as its resource specialist.  
19 Mr. Olzak works with and trains blind and low vision patients by lending his knowledge and  
20 experience of the various low vision devices and making recommendations based on the  
21 individual's lifestyle, career, and baseline skillsets. A true and correct copy of Mr. Olzak's  
22 professional biography is attached to this declaration as Exhibit B. Defendants have been  
23 working with the Eye Care Institute consultants to identify the benefits and limitations of  
24 numerous electronic assistive devices in consideration of the variety of disabilities that exist  
25 amongst class members, the restrictions inherent in a correctional setting, the ease of use of  
26 various devices or aids, the unavailability of internet access within class members' housing units,  
27 and other factors.

28 9. Despite Plaintiffs' claims to the contrary, Defendants already have a plan to ensure

1 that vision impaired class members' reading and writing needs are accommodated in compliance  
2 with the ADA, remedial plan, and prior Court orders. In consultation with the Eye Care Institute  
3 team, CAMU identified two electronic assistive devices that could reasonably accommodate  
4 vision impaired class members' reading and writing needs outside of the prison libraries. On  
5 September 27, 2023, CAMU initiated a request to receive these assistive devices. Upon receipt of  
6 these devices, the Office of Correctional Safety will complete all required security-related testing  
7 protocols within approximately one week of receipt. Upon approval of all security protocols,  
8 CAMU will initiate procurement of the devices and create a policy for "check-in/check-out" use  
9 of these devices as reading and writing accommodations for vision impaired class members  
10 outside of the prison libraries. The procurement process for these devices is expected to take  
11 approximately 90 days. Development of the policy regarding these devices is expected to take  
12 approximately two weeks, plus additional time for negotiation with Plaintiffs' counsel. Once  
13 these negotiations are completed, a 75-day labor notification period is required under the Union's  
14 Memorandum of Understanding. Once this required period is completed and the policy regarding  
15 these electronic assistive devices is issued, the selected devices will be deployed at all 11 DPV-  
16 designated CDCR institutions for use by blind and low-vision class members as reading and  
17 writing accommodations outside of the prison law libraries. In the meantime, CDCR staff will  
18 continue to assist with reading and writing accommodations and devices remain accessible in the  
19 libraries. In addition, LED magnifiers were already provided to all DPV class members and are  
20 available to all DNV class members upon request and approval by CCHCS.

21 10. Plaintiffs also unfairly criticize the Defendants' process for repair or replacement  
22 of the assistive electronic devices placed in the library and contend that it fails to "explain which  
23 devices would be checked," does not "include anywhere to document which device" is  
24 nonoperational, and does not "appear to explain what should be done" to repair or replace devices  
25 (ECF No. 3510 at 6-7). Defendants have been diligently working to ensure that the assistive  
26 electronic devices located in prison law libraries are operational and available for use by the class  
27 members. Office of Correctional Education has implemented a process that requires quarterly  
28 statewide inspection of all library devices and is developing a plan to ensure regular repair or

1 replacement of malfunctioning or broken devices. Office of Correctional Education expects to  
2 have all inoperable library devices repaired or replaced by December 2023. In the meantime,  
3 Office of Correctional Education shall guide librarians on the necessary steps to follow if any of  
4 the electronic assistive devices located in the libraries are found to be non-operational.

5 **Announcements to Deaf and Hard-of-Hearing Class Members**

6 11. Defendants continue to improve existing processes for notifications that includes  
7 technology, face-to-face communication, and augmented training for staff that now includes, for  
8 example, examples of personal-notification scenarios. CDCR is moving forward with two new  
9 technological processes. One new process uses inmate tablets. On September 29, 2023, CDCR  
10 received approval to make individual announcements utilizing the messaging features on the  
11 tablets. CDCR is finalizing a draft policy and will implement it in the coming weeks, after  
12 sharing it with Plaintiffs and the Court Expert. Not only will the tablets provide another avenue  
13 for communication, they will also document, and provide a means to audit, the notification  
14 process. This will allow Defendants to show they are successfully notifying inmates of important  
15 information. A draft of this policy will be provided to Plaintiffs in two weeks. Once the policy is  
16 negotiated and finalized, a 75-day labor notification period is required in accordance with the  
17 Union's Memorandum of Understanding.

18 12. Another new process involves vibrating watches. Contrary to Plaintiffs'  
19 characterization, Defendants continue to evaluate this option. Although Plaintiffs identify other  
20 state correctional departments use of vibrating watches, Plaintiffs fail to address whether  
21 vibrating watches used by these other state correctional departments include alarms that cannot be  
22 turned off or deactivated. As detailed in Defendants' initial response, the alarm creates a security  
23 risk that must be addressed to ensure the safety of staff and incarcerated population. (ECF No.  
24 3504-1 at 6.) On September 26, 2023, Defendants purchased an exemplar watch that may satisfy  
25 potential security concerns. Defendants received the device on October 4, 2023, and will begin  
26 two weeks of security testing at SATF, the Central California Women's Facility, and R. J.  
27 Donovan Correctional Facility institutions. If testing is successful, Defendants will provide the  
28

1 vibrating watches as a reasonable accommodation to deaf and hard-of-hearing individuals at  
2 SATF and elsewhere upon request and approval.

3 13. Defendants remain open to collaborating with Plaintiffs to improve existing  
4 notification processes and to implement the new processes for tablets and, potentially, vibrating  
5 watches. Court intervention is unnecessary and could potentially be counterproductive since  
6 these developments are in progress and moving quickly. To the extent the Court wishes to  
7 monitor implementation, Defendants will provide Plaintiffs and the Court Expert with monthly  
8 updates.

9 **TTY/TDD and Caption Phones**

10 14. Defendants have implemented a process for testing TTY/TDD phones on a quarterly  
11 basis. This is still a relatively new process and class members are starting to see results. Indeed,  
12 as of this writing, all TTY/TDD phones at SATF are confirmed to be working and properly  
13 functioning. Defendants will regularly test the TTY/TDD phones and promptly repair  
14 nonfunctioning TTY/TDD phones to ensure continued accessibility for class members.

15 15. Second, contrary to Plaintiffs' description, Defendants have provided training directly  
16 to class members on how to operate the TTY/TDD phones. This training addresses the Court  
17 Expert's concern about relying on ADA workers (ECF No. 3500 at 4, 12), thus allowing class  
18 members to have private calls without third-party involvement.

19 16. Third, SATF has rolled out caption phones. (ECF No. 3504-1 at 7.) The roll-out was  
20 communicated to class members via a tablet notification, which included instructions on how to  
21 access the phones. In addition to these notifications, on September 21, 2023, the SATF ADA  
22 Coordinator held Inmate Advisory Council meetings on every yard to advertise the new phones.  
23 In addition, CAMU has reviewed the locations of all TTY/TDD and caption phones, and  
24 concluded that the locations were fully accessible to class members. SATF leadership has also  
25 confirmed that only one grievance (CDCR Form 602) and no Requests for Reasonable  
26 Accommodation (CDCR Form 1824) have been submitted by the incarcerated population to  
27 indicate any issues regarding access to such phones. In advance of the October 5, 2023 deaf and  
28 hard-of-hearing workgroup meeting, CDCR provided the Court Expert and Plaintiffs with the



1 results of the TTY/TDD and caption phone surveys that addressed accessibility, location,  
2 functionality, and class-member education.

3 17. While Defendants would like to reconfigure the tablets to allow greater access for  
4 deaf and hard-of-hearing class members, this is a longer-term project, which requires third-party  
5 vendor expertise because of the statewide deployment of tablets and goes beyond institutional  
6 reforms at SATF. Nevertheless, Defendants are committed to moving this forward at the  
7 headquarters level and as they renegotiate third-party vendor contracts. In the meantime,  
8 Defendants will accommodate class members with functioning TTY/TDD phones and the new  
9 caption phones, as described above. Again, to the extent the Court wishes to monitor these  
10 measures, Defendants will continue to provide timely updates to Plaintiffs and the Court Expert.

11 **CART (Communication Access Real-time Translation)**

12 18. Defendants completed Phase One of implementation so that CART is currently  
13 available for all due process events at the 11 institutions. This phase included various forms of  
14 outreach and education, including flyers, tablet notifications, and multiple town halls. While  
15 Plaintiffs point out some of the challenges in a recent town hall, they fail to mention that the  
16 video shown to class members was itself a recording of CART.

17 19. Phase Two will expand CART to all programming areas at SATF and at the ten other  
18 institutions. Defendants completed the process of identifying these programming areas and  
19 testing them for internet and Wi-Fi access, which are required for CART service and which are,  
20 anticipated, to be available. Defendants are testing two new devices to deploy in these areas at  
21 SATF. Testing in the correctional setting was completed by October 4, 2023 by Enterprise  
22 Information Services (EIS) and EIS will conduct further security testing on the actual devices to  
23 be used, with CART service available in those areas two weeks later. CAMU directed ADACs to  
24 conduct town halls no later than September 15, 2023 and these town halls were completed by this  
25 deadline. This included direction to utilize the recently captured demonstration video specifically  
26 for the incarcerated population. In addition, staff were provided a separate video to ensure staff  
27 are also familiar with the service. CDCR will develop training for all staff who facilitate the  
28



1 various programming (i.e., education, religious services, rehabilitative services, mental health  
2 groups) once EIS completes its required tasks.

### 3 Hearing Aids

4 20. On September 29, 2023, CCHCS reported to CDCR that CCHCS representatives and  
5 experts, the Court Expert, and Plaintiffs, met to discuss hearing aid specifications. An agreement  
6 was reached as to the hearing aid specifications and the need for CCHCS to incorporate those into  
7 the scope-of-services that go out to bid. On October 4, 2023, Plaintiffs sent a letter to CCHCS  
8 summarizing the agreement on hearing aid specifications. Upon agreement by all parties of the  
9 specifications outlined in the summary, it is anticipated the hearing-aid bid will be released in  
10 early November 2023, awarded in January 2024, and the new services will begin in February  
11 2024. CCHCS will continue to work with Plaintiffs and the Court Expert on this matter and  
12 provide updates when available.

### 13 Continued Collaboration with CCHCS

14 21. CCHCS continues to work with the Court Expert, CDCR, and Plaintiffs to address items  
15 identified in the Court Expert's report. CCHCS will continue to monitor the processes implemented  
16 to ensure sustainability. CCHCS has confirmed that the rules violation report memorandum and  
17 training material for healthcare staff was sent to Labor for review. CCHCS will provide an update  
18 to the Court Expert when more information is available.

19 On October 5, 2023, in Sacramento, California, I declare under penalty of perjury that the  
20 foregoing is true and correct.

DocuSigned by:

Mona Houston

33A5039230EC492...

21  
22 Mona Houston  
23 Assistant Deputy Director of Program  
24 Operations for the Division of Adult  
25 Institutions  
26 California Department of Corrections and  
27 Rehabilitation  
28

CF1997CS0005 / 43898913